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| 10/825,058 | 04/12/2004 | Julio Estrada | LOT919990046US2 | 7224 |

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| EXAMINER | |
|---|---|
| TRAN, MYLINH T | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2179 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 07/28/2008 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/825,058 | ESTRADA ET AL. | |
| | Examiner | Art Unit | |
| | MYLINH TRAN | 2179 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *21 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *2 and 8-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2 and 8-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

Applicant's Amendment filed 04/21/08 has been entered and carefully considered. Claims 2, 8-9 have been amended. However, the limitations of the amended claims have not been found to be patentable over prior art of record, therefore, claims 2, 8-10 remain rejected under the same ground of rejection as set forth in the Office Action mailed (01/18/08).

A terminal disclaimer filed 04/21/08 is acknowledged. However, the nonstatutory Double Patenting rejection is maintained pending approval of the terminal disclaimer.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 2, 8-10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No.

7,012,627. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both perform the same functions such as entering/leaving a room, moving the associated material from the side bar in a direction and displaying in the side bar of a room material selectively descriptive of other rooms only to which a user is authorized by access control lists for the other room.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 8-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support for the features of "creating a visual effect of entering and leaving an area represented by a panel" and "slide animation" can not be found at page 64, line 23 to page 65, line 5 and at page 59, line 21 to page 60, line 14 as cited by the applicant.

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Ludolph et al. [US. 5,943,053].

**As to claim 2**, Ludolph et al. teach a method for selectively displaying a plurality of rooms, comprising the steps of: displaying content material in a page of said room (figure 2, column 4, lines 32-67); displaying page associated material in a side bar of said room (figure 2, column 4, lines 35-50); responsive to entering a room, sliding said associated material descriptive into said side bar from a first direction (column 6, lines 12-63); and responsive to leaving said room, sliding said associated material from said side bar in a direction different from said first direction (column 8, line 52 through column 9, line 28); thereby creating a visual effect of entering and leaving an area represented by a panel (column 9, lines 12-52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludolph et al. [US. 5,943,053]

**As to claims 8 and 9**, Ludolph et al. teach displaying rooms from plurality of rooms (column 4, lines 51-67), each room including a page display and a corresponding side bar display (column 4, lines 12-50), comprising: removing side bar material corresponding to a first page display from said side bar by slide animation (column 9, line 55 through column 10, line 14 and column 27-36) in a first direction (column 6, lines 12-63) when leaving a first room in said plural rooms and inserting side bar material corresponding to a second page

display into said side bar in said first direction by slide animation (column 9, line 55 through column 10, line 14 and column 27-36) when entering a second room higher in said plural of rooms (column 8, line 52 through column 9, line 28); and removing side bar material corresponding to said first page display from said side bar by slide animation (column 9, line 55 through column 10, line 14 and column 27-36) in a second direction when leaving said first room in said plural of rooms and inserting side bar material corresponding to a third page display into said side bar by slide animation (column 9, line 55 through column 10, line 14 and column 27-36) in said second direction when entering a third room lower in said plural of rooms; thereby providing in said side bar a visual impression of respectively moving up or down said plural of rooms (column 9, lines 12-52). Ludolph fails to clearly teach or suggest the hierarchy of rooms. However, official notice is taken that implementation of hierarchy of windows was well known in the computer art. It would have been obvious to one skill in the art, at the time the invention was made, to combine the well known implementation with the teachings of Ludolph et al.

Motivation of the combination is for the advantage to provide multi-level accessed security.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludolph et al. [US. 5,943,053] in view of Shaffer et al. [US. 7,065,785].

**As to claim 10**, Ludolph et al. teach displaying rooms from plurality of rooms (column 4, lines 51-67), each room including a page display and a corresponding side bar display (column 4, lines 12-50), comprising: removing side bar material corresponding to a first page display from said side bar in a first direction (column 6, lines 12-63) when leaving a first room in said plural rooms and inserting side bar material corresponding to a second page display into said side bar in said first direction when entering a second room higher in said plural of rooms (column 8, line 52 through column 9, line 28); and removing side bar material corresponding to said first page display from said side bar in a second direction when leaving said first room in said plural of rooms and inserting side bar material corresponding to a third page display into said side bar in said second direction when entering a third room lower in said plural of rooms; thereby providing in said side bar a visual impression of respectively moving up or down said plural of rooms (column 9, lines 12-52).

Ludolph fails to clearly teach or suggest the hierarchy of rooms. However, official notice is taken that implementation of hierarchy of windows was well known in the computer art It would have been obvious to one skill in the art, at the time the invention was made, to combine the well known implementation with the teachings of Ludolph et al.

Motivation of the combination is for the advantage to provide multi-level accessed security.

Ludolph fails to clearly teach associating with each room in said hierarchy of rooms a respective access control list identifying users authorized to view said room; displaying in said side bar of a parent room material selectively descriptive of child rooms only to which said user is authorized by access control lists for said child rooms;

However, Shaffer et al. teach associating with each room in said plural of rooms a respective access control list identifying users authorized to view said room (column 1, lines 30-55); displaying in said side bar of a parent room material selectively descriptive of child rooms only to which said user is authorized by access control lists for said child rooms (column 5, lines 10-56);

It would have been obvious to one skill in the art, at the time the invention was made, to combine the Shaffer's teaching with the teachings of Ludolph et al. Motivation of the combination is for the advantage of the security purpose.

**Response to Arguments**

Applicant has argued that Ludolph does not teach or suggest moving panel A out and panel B into a side bar with one use gesture and in opposite directions. However, applicant's attention is directed to column 6, lines 12-35, cited "figure 5 is a flowchart illustrating a method of expanding and contracting a window panel in accordance with one embodiment of the present invention…the user moves a pointer into a new window panel… The user moves the pointer to a window panel if there is some content in that panel the user wants to access…"

and column 8, lines 53-63, cited “In step 580, the system checks to see if the pointer has moved out of the selected panel. If it has, the system checks in step 590 to see if that window panel was expanded. If the panel was expanded, the system contracts the size of the panel to the size before the initial expansion (i.e. its default size). In the described embodiment, the contraction is triggered once the pointer moves across the frame and has moved out of the panel. The window panel contracts to its default size regardless of whether the user has altered, reformatted, or added content within the panel."

Ludolph teaches the steps of expanding and contracting which is similar to the steps of sliding said page in a first direction and in a different direction from the first direction as claimed.

Applicant has also argued that Shaffer does not teach “selectively describing”. However, the examiner respectfully disagrees with the above argument.

Applicant’s attention is directed to column 1, lines 30-38, cited “…a system is provided having a graphical user interface (GUI) wherein an authorized or guest user may be locked within a ToL window, having full access to the ToL features, but denied access to other parts of the computer system."

Shaffer teaches selectively describing the ToL window that allows the authorized user to access to the ToL features.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179